

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAMON SCOTT,

Petitioner,

-against-

MICHAEL CAPRA,

Respondent.

ORDER

23 Civ. 3923 (KMK) (AEK)

THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

In accordance with the Court's March 11, 2025 order, ECF No. 27, Respondent filed a letter informing the Court that the Appellate Division, Second Department denied Petitioner's application for leave to appeal the Westchester County Court's denial of his New York Criminal Procedure Law § 440.10 motion. ECF No. 29. Accordingly, the Court lifts the stay of these proceedings. As the Court stated in its order granting the stay, the Petition is deemed amended to add the ineffective assistance of trial counsel claims raised in Petitioner's § 440.10 motion. *See* ECF No. 13.

Respondent must serve and file his answer to the amended Petition, including the transcripts and briefs identified in Rule 5(c) of the Rules Governing Section 2254 Cases in the United States District Courts, **by no later than June 30, 2025**. Petitioner may serve and file any reply papers **by no later than August 14, 2025**.

The Clerk of Court is respectfully directed to mail a copy of this order to the *pro se* Petitioner.

Dated: April 30, 2025
White Plains, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read "Andrew Krause", with a long horizontal flourish extending to the right.

ANDREW E. KRAUSE
United States Magistrate Judge